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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEVADA**

KRISTINA PFAFF-HARRIS and FRED
G WRIGHT, individually and on behalf
of all others similarly situated ,

Plaintiffs,

v.

PROGRESSIVE DIRECT INSURANCE
COMPANY and PROGRESSIVE
NORTHERN INSURANCE
COMPANY, Ohio corporations,

Defendants.

Case No.: 2:24-cv-00761-RFB-NJK

MOTION TO WITHDRAW AS COUNSEL

COMES NOW, Gregg A. Hubley, Esq. and Christopher A.J. Swift, Esq., on behalf of Jeffrey D. Kaliel, Esq., of the law firm KALIELGOLD PLLC, hereby moves this Honorable Court for an Order allowing the law firm KALIELGOLD PLLC to withdraw as attorney of record for Plaintiffs Kristina Pfaff-Harris and Fred G. Wright (“Plaintiffs”).

This Motion is made and based upon the following Memorandum of Points and Authorities, and the Declaration of Jeffrey D. Kaliel, attached hereto.

MEMORANDUM OF POINTS AND AUTHORITIES

1. This lawsuit was filed on April 19, 2024. Dkt. 1.
2. The lawsuit lists Jeffrey D. Kaliel of KALIELGOLD PLLC (the “KG Attorney”) as an attorney of record on the complaint.
3. Listing the KG Attorney as counsel for Plaintiffs in this lawsuit was error, because the KG Attorney does not and has never represented Plaintiffs in this matter.
4. The KG Attorney was not notified that the complaint lists him as counsel of record at the time the lawsuit was filed.
5. The KG Attorney first became aware that he was listed as counsel of record on or about April 25, 2024, when he received copy by mail of an April 23, 2024 Notice to Counsel Pursuant to Local Rule IA 11-2.
6. Nevada Supreme Court Rule (“SCR”) 46 provides that an attorney may withdraw “at any time before judgment or final determination ... upon the order of the court or judge thereof on the application of the attorney...” Pursuant to SCR 166, an attorney may be permitted to withdraw if withdrawal can be accomplished without adversely affecting the interests of the client, or if good cause exists for terminating the representation.
7. Local Rule IA 11-6(a) allows for an attorney to withdraw with leave of court after notice of the intent to withdraw is served. Plaintiffs’ Counsel, Carney Bates & Pulliam PLLC, has notified Plaintiffs that KALIELGOLD PLLC is seeking withdrawal.
8. Local Rule IA 11-6(e) provides that, except for good cause, withdrawal will not be granted if a delay in discovery, the trial or any hearing will result.

1 9. Here, withdrawal should be permitted as there will be no delay, as the matter is
2 in its inception and the Complaint has not been served. Plaintiffs are in agreement that Jeffrey D.
3 Kaliei of KALIELGOLD PLLC should withdraw from this case.

4 10. The attached Declaration of Jeffrey D. Kaliei is incorporated herein by reference
5 and establishes that good cause exists for the withdrawal of KALIELGOLD PLLC as counsel of
6 record for Plaintiffs, that withdrawal can be accomplished without adversely affecting the interest
7 of the clients.

8 11. Pursuant to Local Rule IA 11-6(b), a copy of this motion has been served on the
9 Plaintiffs via e-mail, as well as via the Court's CM/ECF system to all parties and counsel as
10 identified on the Court-generated Notice of Electronic Filing.

11
12 WHEREFORE, the undersigned respectfully requests that this Court enter an Order
13 approving the withdrawal of KALIELGOLD PLLC as an attorney of record for Plaintiffs Kristina
14 Pfaff-Harris and Fred G. Wright in this matter and be removed from the CM/ECF notification
15 list for this matter.

16
17
18 DATED this 7th day of May 2024.

19 Respectfully submitted,

20 By: /s/ Gregg. A. Hubley

21 GREGG A. HUBLEY, ESQ., NBN 7386

22 CHRISTOPHER A.J. SWIFT, ESQ., NBN 11291

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ORDER

IT IS THEREFORE ORDERED that Jeffrey D. Kalien of KALIELGOLD PLLC be allowed to withdraw as Counsel of record, for Kristina Pfaff-Harris and Fred G. Wright.

IT IS SO ORDERED.

Dated: May 8, 2024



United States Magistrate Judge

**DECLARATION OF JEFFREY D. KALIEL IN SUPPORT OF MOTION TO
WITHDRAW AS COUNSEL**

I, JEFFREY D. KALIEL, declare under penalty of perjury under the laws of the United States, as follows:

1. I am an attorney licensed to practice law in the State of California and am a Partner of the law firm of KALIELGOLD PLLC. The facts set forth in this declaration are known to me personally, or are based upon my information and belief, and if called to do so, I would competently testify under oath regarding the same.

2. I make this declaration in support of KALIELGOLD PLLC's motion to withdraw as counsel of record and removal from CM/ECF service list for Plaintiffs.

3. This lawsuit was filed on April 19, 2024.

4. The lawsuit lists myself, Jeffrey D. Kaliel, as an attorney of record on the complaint.

5. Listing myself as counsel in this lawsuit was error, because I do not and have never represented Plaintiffs in this matter.

6. I was not notified that the complaint lists me as counsel of record at the time the lawsuit was filed.

7. I first became aware that I was listed as counsel of record on or about April 25, 2024, when I received copy by post mail of an April 23, 2024 Notice to Counsel Pursuant to Local Rule IA 11-2.

8. KALIELGOLD PLLC has not been retained by Plaintiffs to represent them in the above-captioned matter.

9. Since this matter is in its inception and the Complaint has not been served, there will be no delay by permitting withdrawal.

10. Further, permitting withdrawal will not adversely affect the interest of the clients as the law firms of ARIAS SANGUINETTI WANG & TEAM LLP, SHAMIS & GENTILE, P.A., EDELSBERG LAW, P.A., CARNEY BATES & PULLIAM, PLLC, NORMAND PLLC, and JACOBSON PHILLIPS PLLC are not seeking withdrawal as counsel of record in this matter.

DATED this 7th day of May 2024.

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